

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

HORACE HILL, JR.,

Plaintiff,

v.

ERIKA NOORT, et al.,

Defendants.

Case No. 3:23-cv-05923-TMC

ORDER ADOPTING REPORT AND
RECOMMENDATION

The Court, having reviewed the Report and Recommendation of Magistrate Judge David W. Christel (Dkt. 12) and the remaining record, does hereby find and ORDER:

(1) The Court adopts the Report and Recommendation.

- a. Plaintiff Horace Hill has not filed any objections.
- b. Instead, after the Report and Recommendation was filed, Mr. Hill filed an entirely new complaint on March 21, 2024 (Dkt. 13) against three different defendants.
- c. This amended complaint was untimely. Judge Christel had set a deadline of March 1, 2024 for Mr. Hill to file an amended complaint, after affording him multiple opportunities and explaining the defects in his original filing. *See*

1 Dkt. 6, 8, 9. Mr. Hill missed that deadline, but Judge Christel granted his
2 motion for an extension of time (Dkt. 10) and accepted his amended
3 complaint filed on March 7, 2024. Dkt. 11. The amended complaint filed on
4 March 7 was the operative complaint for the Report and Recommendation.


5 d. Despite its untimeliness, this Court has screened the March 21, 2024
6 complaint as required by 28 U.S.C. § 1915A.

7 e. The March 21 complaint continues to assert claims that challenge Mr. Hill's
8 ongoing criminal proceedings in state court. For the reasons explained by
9 Judge Christel in the Report and Recommendation, Dkt. 12 at 4–6, the claims
10 Mr. Hill asserts against the three new defendants must also be dismissed based
11 on *Younger* abstention.

12 (2) Plaintiff has failed to state a claim upon which relief can be granted. Therefore, this
13 case is dismissed. As Plaintiff has failed to state a claim upon which relief may be
14 granted, this case constitutes a strike under 42 U.S.C. § 1915(g).

15 (3) The Clerk is directed to send copies of this Order to Plaintiff and to the Hon. David
16 W. Christel.

17 Dated this 6th day of May, 2024.

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20 Tiffany M. Cartwright
21 United States District Judge
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